

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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IN RE
VITAMIN C ANTITRUST LITIGATION

MASTER FILE 06-MD-1738
(DGT)(JO)

This Document Relates To:

ALL CASES

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**DECLARATION OF JOEL M. MITNICK
IN SUPPORT OF
THE BRIEF OF AMICUS CURIAE
THE MINISTRY OF COMMERCE OF THE PEOPLE'S REPUBLIC OF CHINA**

Sidley Austin LLP

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This Document Relates To:

**DECLARATION OF
JOEL M. MITNICK**

ALL CASES

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JOEL M. MITNICK, pursuant to 28 U.S.C. § 1746, declares and states as follows:

1. I am an attorney admitted to the Bar of the United States District Court in the Eastern District of New York and associated with the law firm Sidley Austin LLP, counsel for *Amicus Curiae* the Ministry of Commerce of the People's Republic of China. I am familiar with the facts and circumstances set forth below, and I submit this Declaration in support of the Brief of Amicus Curiae the Ministry of Commerce of the People's Republic of China in Support of the Defendants' Motion to Dismiss the Complaint.

2. Attached as Exhibit A is a copy of U.S. Dep't of State, 1978 Digest of United States Practice in International Law 560, as reprinted in 73 Am. J. Int'l L. 122, 125 (1979).

3. Attached as Exhibit B is a copy of Brief for United States as Amicus Curiae Supporting Appellants, Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574, 106 S.Ct. 1348 (1985) (No. 83-2004).

4. Attached as Exhibit C is a true and correct copy of China Chamber of Commerce of Medicines & Health Products Importers & Exporters, Publication of Administration and Regulation (2003). This document has been authenticated under the procedures of Federal Rule of Evidence 902(3), which governs self-authentication of foreign public documents. An

authorized official of the Chamber attested in the presence of a P.R.C. notary public and a Ministry official to the authenticity of the document. The attestation was further certified by the Consular Department of the P.R.C. Ministry of Foreign Affairs and the U.S. Embassy in Beijing.

5. Attached as Exhibit D is a true and correct copy of the Measures for Administration over Foreign Trade and Economic Social Organizations (February 26, 1991). This document has been authenticated under the procedures of Federal Rule of Evidence 902(3), which governs self-authentication of foreign public documents. An authorized official of the Ministry attested in the presence of a P.R.C. notary public to the authenticity of the document. The attestation was further certified by the Consular Department of the P.R.C. Ministry of Foreign Affairs and the U.S. Embassy in Beijing. In addition, the translation of this document has been certified by a qualified translation agency and further notarized by a P.R.C. notary public.

6. Attached as Exhibit E is a true and correct copy of the Notice of Ministry of Foreign Trade and Economic Cooperation regarding Printing and Distribution of Several Regulations for Personnel Management of Chambers of Commerce for Importers and Exporters (Sept. 23, 1994). This document has been authenticated under the procedures of Federal Rule of Evidence 902(3), which governs self-authentication of foreign public documents. An authorized official of the Ministry attested in the presence of a P.R.C. notary public to the authenticity of the document. The attestation was further certified by the Consular Department of the P.R.C. Ministry of Foreign Affairs and the U.S. Embassy in Beijing. In addition, the translation of this document has been certified by a qualified translation agency and further notarized by a P.R.C. notary public.

7. Attached as Exhibit F is a true and correct copy of the Approval for Establishing VC Sub-Committee of China Chamber of Commerce of Medicines & Health Products Importers & Exporters (issued March 23, 1998). This document has been authenticated under the procedures of Federal Rule of Evidence 902(3), which governs self-authentication of foreign public documents. An authorized official of the Ministry attested in the presence of a P.R.C. notary public to the authenticity of the document. The attestation was further certified by the Consular Department of the P.R.C. Ministry of Foreign Affairs and the U.S. Embassy in Beijing. In addition, the translation of this document has been certified by a qualified translation agency and further notarized by a P.R.C. notary public.

8. Attached as Exhibit G is a true and correct copy of the Charter of Vitamin C Sub-Committee of China Chamber of Commerce of Medicines and Health Products Importers and Exporters (Oct. 11, 1997). This document has been authenticated under the procedures of Federal Rule of Evidence 902(3), which governs self-authentication of foreign public documents. An authorized official of the Chamber attested in the presence of a P.R.C. notary public and a Ministry official to the authenticity of the document. The attestation was further certified by the Consular Department of the P.R.C. Ministry of Foreign Affairs and the U.S. Embassy in Beijing. In addition, the translation of this document has been certified by a qualified translation agency and further notarized by a P.R.C. notary public.

9. Attached as Exhibit H is a true and correct copy of the Notice Relating to Strengthening the Administration of Vitamin C Production and Export. This document has been authenticated under the procedures of Federal Rule of Evidence 902(3), which governs self-authentication of foreign public documents. An authorized official of the Ministry attested in the presence of a P.R.C. notary public to the authenticity of the document. The attestation was

further certified by the Consular Department of the P.R.C. Ministry of Foreign Affairs and the U.S. Embassy in Beijing. In addition, the translation of this document has been certified by a qualified translation agency and further notarized by a P.R.C. notary public.

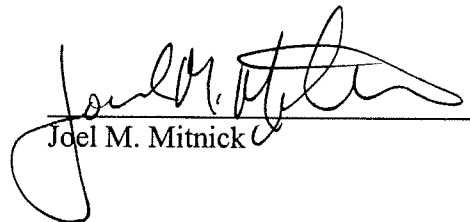
10. Attached as Exhibit I is a true and correct copy of the Interim Regulations of the Ministry of Foreign Trade and Economic Cooperation on Punishment for Conduct at Exporting at Lower-Than-Normal Price (March 20, 1996). This document has been authenticated under the procedures of Federal Rule of Evidence 902(3), which governs self-authentication of foreign public documents. An authorized official of the Ministry attested in the presence of a P.R.C. notary public to the authenticity of the document. The attestation was further certified by the Consular Department of the P.R.C. Ministry of Foreign Affairs and the U.S. Embassy in Beijing. In addition, the translation of this document has been certified by a qualified translation agency and further notarized by a P.R.C. notary public.

11. Attached as Exhibit J is a true and correct copy of the Notice Issued by the Ministry of Foreign Trade and Economic Cooperation and the General Administration of Customs for the Adjustment of the Catalogue of Export Products Subject to Price Review by the Customs. This document has been authenticated under the procedures of Federal Rule of Evidence 902(3), which governs self-authentication of foreign public documents. An authorized official of the Ministry attested in the presence of a P.R.C. notary public to the authenticity of the document. The attestation was further certified by the Consular Department of the P.R.C. Ministry of Foreign Affairs and the U.S. Embassy in Beijing. In addition, the translation of this document has been certified by a qualified translation agency and further notarized by a P.R.C. notary public.

12. Attached as Exhibit K is a true and correct copy of the Announcement of Ministry of Commerce of the People's Republic of China, General Administration of Customs of the People's Republic of China (November 29, 2003). This document has been authenticated under the procedures of Federal Rule of Evidence 902(3), which governs self-authentication of foreign public documents. An authorized official of the Ministry attested in the presence of a P.R.C. notary public to the authenticity of the document. The attestation was further certified by the Consular Department of the P.R.C. Ministry of Foreign Affairs and the U.S. Embassy in Beijing. In addition, the translation of this document has been certified by a qualified translation agency and further notarized by a P.R.C. notary public.

I declare under penalty of perjury that the foregoing is true and correct.

Executed as of June 29, 2006 at New York, New York.


Joel M. Mitnick